

There is no heart in ending DACA and leaving the fate of 800,000 young persons in limbo and at the mercy of a Republican Congress that has passed no major legislation and has no guarantee that the President would even sign a bill if they do.

Republicans in Congress need to bring H.R. 3440, the Dream Act of 2017, to the floor right now and vote for it so it can pass both houses of Congress with a veto-proof majority.

Mr. Speaker, now let me briefly discuss why the executive actions taken by President Obama are reasonable, responsible, and within his constitutional authority.

Pursuant to Article II, Section 3 of the Constitution, the President, the nation's Chief Executive, "shall take Care that the Laws be faithfully executed."

In addition to establishing the President's obligation to execute the law, the Supreme Court has consistently interpreted the "Take Care" Clause as ensuring presidential control over those who execute and enforce the law and the authority to decide how best to enforce the laws. See, e.g., *Arizona v. United States*; *Bowsher v. Synar*; *Buckley v. Valeo*; *Printz v. United States*; *Free Enterprise Fund v. PCAOB*.

Every law enforcement agency, including the agencies that enforce immigration laws, has "prosecutorial discretion"—the inherent power to decide whom to investigate, arrest, detain, charge, and prosecute.

Thus, enforcement agencies, including the U.S. Department of Homeland Security (DHS), properly may exercise their discretion to devise and implement policies specific to the laws they are charged with enforcing, the population they serve, and the problems they face so that they can prioritize our nation's resources to meet mission critical enforcement goals.

Mr. Speaker, deferred action has been utilized in our nation for decades by Administrations headed by presidents of both parties without controversy or challenge.

In fact, as far back as 1976, INS and DHS leaders have issued at least 11 different memoranda providing guidance on the use of similar forms of prosecutorial discretion.

Executive authority to take action is thus "fairly wide," and the federal government's discretion is extremely "broad" as the Supreme Court held in the recent case of *Arizona v. United States*, 132 S. Ct. 2492, 2499 (2012), an opinion written by Justice Kennedy and joined by Chief Justice Roberts:

"Congress has specified which aliens may be removed from the United States and the procedures for doing so. Aliens may be removed if they were inadmissible at the time of entry, have been convicted of certain crimes, or meet other criteria set by federal law. Removal is a civil, not criminal, matter. A principal feature of the removal system is the broad discretion exercised by immigration officials. Federal officials, as an initial matter, must decide whether it makes sense to pursue removal at all. If removal proceedings commence, aliens may seek asylum and other discretionary relief allowing them to remain in the country or at least to leave without formal removal." (emphasis added) (citations omitted).

The Court's decision in *Arizona v. United States*, also strongly suggests that the executive branch's discretion in matters of deportation may be exercised on an individual basis, or it may be used to protect entire classes of

individuals such as "[u]nauthorized workers trying to support their families" or immigrants who originate from countries torn apart by internal conflicts:

"Discretion in the enforcement of immigration law—embraces immediate human concerns. Unauthorized workers trying to support their families, for example, likely pose less danger than alien smugglers or aliens who commit a serious crime. The equities of an individual case may turn on many factors, including whether the alien has children born in the United States, long ties to the community, or a record of distinguished military service."

Some discretionary decisions involve policy choices that bear on this Nation's international relations. Returning an alien to his own country may be deemed inappropriate even where he has committed a removable offense or fails to meet the criteria for admission. The foreign state may be mired in civil war, complicit in political persecution, or enduring conditions that create a real risk that the alien or his family will be harmed upon return.

The dynamic nature of relations with other countries requires the Executive Branch to ensure that enforcement policies are consistent with this Nation's foreign policy with respect to these and other realities."

Exercising thoughtful discretion in the enforcement of the nation's immigration law saves scarce taxpayer funds, optimizes limited resources, and produces results that are more humane and consistent with America's reputation as the most compassionate nation on earth.

Mr. Speaker, a DREAMER (an undocumented student) seeking to earn her college degree and aspiring to attend medical school to —better herself and her new community is not a threat to the nation's security.

Law abiding but unauthorized immigrants doing honest work to support their families pose far less danger to society than human traffickers, drug smugglers, or those who have committed a serious crime.

President Obama was correct in concluding that exercising his discretion regarding the implementation of DACA enhances the safety of all members of the public, serves national security interests, and furthers the public interest in keeping families together.

Mr. Speaker, according to numerous studies conducted by the Congressional Budget Office, Social Security Administration, and Council of Economic Advisors, the DACA generates substantial economic benefits to our nation.

For example, unfreezing DAPA and expanded DACA is estimated to increase GDP by \$230 billion and create an average of 28,814 jobs per year over the next 10 years. That is a lot of jobs.

Mr. Speaker, in exercising his broad discretion in the area of removal proceedings, President Obama acted responsibly and reasonably in determining the circumstances in which it makes sense to pursue removal and when it does not.

In exercising this broad discretion, President Obama did nothing was novel or unprecedented.

Let me cite just a few examples of executive action taken by American presidents, both Republican and Democratic, on issues affecting immigrants over the past 35 years:

In 1987, President Ronald Reagan used executive action in 1987 to allow 200,000 Nicaraguans facing deportation to apply for relief from expulsion and work authorization.

In 1980, President Jimmy Carter exercised parole authority to allow Cubans to enter the U.S., and about 123,000 "Mariel Cubans" were paroled into the U.S. by 1981.

In 1990, President George H.W. Bush issued an executive order that granted Deferred Enforced Departure

(DED) to certain nationals of the People's Republic of China who were in the United States.

In 1992, the Bush administration granted DED to certain nationals of El Salvador.

In 1997, President Bill Clinton issued an executive order granting DED to certain Haitians who had arrived in the United States before Dec. 31, 1995.

In 2010, the Obama Administration began a policy of granting parole to the spouses, parents, and children of military members.

Mr. Speaker, because of President Obama's leadership and visionary executive action, 124,000 undocumented immigrants in my home state of Texas have received deferred action.

Ninety-one percent of these immigrants are employed or in school and contribute \$6.3 billion annually to the Texas economy and \$460.3 billion to the national economy.

Mr. Speaker, let me note that DACA was and is a welcome development but not a substitute for undertaking the comprehensive reform and modernization of the nation's immigration laws supported by the American people.

Only Congress can do that.

America's borders are dynamic, with constantly evolving security challenges.

Border security must be undertaken in a manner that allows actors to use pragmatism and common sense.

Comprehensive immigration reform is desperately needed to ensure that Lady Liberty's lamp remains the symbol of a land that welcomes immigrants to a community of immigrants and does so in a manner that secures our borders and protects our homeland.

Instead of wasting time scapegoating DREAMERS, we should instead seize the opportunity to pass legislation that secures our borders, preserves America's character as the most open and welcoming country in the history of the world, and will yield hundreds of billions of dollars in economic growth.

#### HONORING THE CONTRIBUTIONS OF BEV FITZPATRICK TO THE ROANOKE REGION

#### HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2018

Mr. GOODLATTE. Mr. Speaker, during my service in Congress, I have had the great opportunity to meet men and women in Virginia's Sixth Congressional District who exemplify what it means to serve. One of these individuals is Beverly T. "Bev" Fitzpatrick, Jr. I've had the great honor of knowing Bev for many years, and I have seen just how much of an impact he has had on the Roanoke region.

Bev grew up in South Roanoke. He graduated from Virginia Tech in 1970 and went on to serve in the United States Army. After his time in the military, Bev returned home to Roanoke. Over the years, he has worked in a variety of fields, including finance, economic development, education, public television, and

transportation—impacting western Virginia in his own unique way in each position. He even served on the Roanoke City Council. It would be difficult to convince me that there is something Bev has not done, and done well for that fact.

After serving as the head of the Virginia Museum of Transportation in Roanoke for 11 years, Bev retired from his post of Executive Director on December 31, 2017. During this time, he oversaw the complete turnaround of the museum. Attendance increased from 12,000 to about 50,000 visitors a year. The staff grew and the annual operations budget more than doubled. Thanks to his dedication, the museum highlights Virginia's transportation history as well as the Roanoke region's rich rail heritage. Without Bev's leadership the Virginia Museum of Transportation would not be the well-known and respected place it is today.

Bev was also instrumental in bringing the historic Norfolk & Western Class J 611 steam engine back online. In 2015, after much hard work and multiple rounds of negotiations, the 611 began operating passenger rail excursions, attracting railroad enthusiasts from around the world and across the country and local families alike. It is America's railroad history brought to life.

Bev Fitzpatrick's legacy is one of service. His love for transportation and the Roanoke Valley is seen in every corner of the museum, inside and out. I want to thank him for making the museum his final destination in a career of service to the community. It's been a true pleasure to work closely with him over the years on so many ventures that have benefited Virginia's Blue Ridge region. I know Bev and his wife, Shirley, look forward to some much-deserved time off to spend with one another and their family and friends.

Congratulations on a well-earned retirement.

#### HONORING COUNCILMAN JAMES BAYMAN

#### HON. JIM BANKS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2018

Mr. BANKS of Indiana. Mr. Speaker, I rise today to recognize Whitley County Councilman James Bayman. For 36 years, Councilman Bayman has represented the townships of Washington, Cleveland, Jefferson and the South precinct of my home town, Columbia City. I had the honor of serving with Councilman Bayman from 2008 through 2010, and I saw firsthand the positive influence he has had on the people of District 4. Councilman Bayman is hard-working, honest and a caring public servant. I wish him the best as he begins the next chapter of his life. Whitley County will miss his leadership and commitment to public service.

#### SAN JACINTO GIRL SCOUTS HELP HURRICANE HARVEY HEROES

#### HON. TED POE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2018

Mr. POE of Texas. Mr. Speaker, I rise today to honor the Girl Scouts Troop of San Jacinto,

Texas for their remarkable generosity and dedication to our first responders in the Houston area. When Hurricane Harvey blasted our beloved Houston this past year, it left tremendous destruction in its wake. The damage caused by the hurricane was utterly devastating to communities and left many without homes and no place to seek shelter. Thanks to our first responders, many were able to escape the flooding and retreat to higher ground. We owe a tremendous debt of gratitude to those who put their lives on the line to protect our communities during that trying time. The Girl Scouts Troop of San Jacinto is now honoring our Hurricane Harvey heroes in a "sweet" way. The troop has launched the "Cookies-4-Heroes" program, which gives customers the chance to donate cookie purchases to first responders. With many of the Girl Scouts' own families affected by the horrific storm, the cause is near and dear to their hearts. The Girl Scouts are challenging everyone to donate 10,000 cases of cookies by March 25th and I am absolutely certain they will reach their goal; after all Mr. Speaker, who doesn't like Girl Scout cookies? I challenge our Houston community to support those who not only helped us out during the hurricane but who help protect us every day. Our firefighters, paramedics, police officers and countless others who supported those in the Houston community, deserve every bit of recognition and honor they receive. In the Girl Scout handbook, their motto reads, "A Girl Scout is ready to help out wherever she is needed. Willingness to serve is not enough; you must know how to do the job well, even in an emergency." The Girl Scouts Troop of San Jacinto exemplifies what it means to be a Girl Scout and their commitment to our heroes is outstanding. I commend the Girl Scouts Troop of San Jacinto for thinking of others before themselves and honoring those who put their lives on the line each and every day. And that is just the way it is.

#### IT'S GOD'S WILL

#### HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2018

Mr. SESSIONS. Mr. Speaker, I rise today in honor of the presentation of The Congressional Gold Medal to a great American Hero and Icon, Senator Bob J. Dole of Kansas. Therefore, I include in the RECORD this poem penned in his honor by Albert Carey Caswell.

It's God's Will

In life we are tested

Do we somehow meet the challenge to move onward still?

For only when we are armed with great faith, courage, and character,

We all must accept God's will.

And in the coming years,

many a student here

Shall learn of Jefferson,

Washington,

Roosevelt,

Reagan,

Bush,

Kennedy and Lincoln's story.

How sad to think,

They'll not speak of the one who could have been of the greatest,

And know of his glory.

For one Robert Dole's life stands

As a shining example of faith,

A great true golden lesson of just how,

"Against all odds,"

From a tragedy to a triumph this wonderfully true authentic American folk tale

And not know of or tell,

Of how a dirt poor boy from Kansas grew up so very strong

Who gave it all away upon a battlefield of honor,

Saving a comrade

No, no, they'll not sing of that song

And while lying at death's door

Armed with only his faith in our Lord,

somehow he miraculously endured

After years of operations and all hope given up,

He walked out of that hospital door

Oh what folklore,

And yet no President's book will ever tell

Of how he began as a freshman Congressman and would not stop

And because of his great leadership by his party,

And his country one day high above a pedestal he'd be placed atop

Nor, will it ever be told

Of his kind and warm heart of gold,

And his wonderful sense of humor so

And truly great charm

And while throughout his life's path,

Each and every heart he touched and cared for he left quite warm:

Mothers,

Fathers,

Sisters,

Brothers,

Rabbis,

Teachers,

Priests and Preachers

You may not speak of Presidents as you speak of Bob Dole

And yet his exemplary courage, character, kindness, leadership,

And great faith in our Lord all our children must be told

And standing there on that at last final day of defeat,

Knowing he was far, far, the better man still

He called upon The Lord and spoke these words of faith for all to hear

"It's God's Will",

#### COST ESTIMATE ON H.R. 4553, THE TERRORIST SCREENING AND TARGETING REVIEW ACT OF 2017

#### HON. MICHAEL T. MCCAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 18, 2018

Mr. MCCAUL. Mr. Speaker, the following cost estimate for H.R. 4553, the Terrorist Screening and Targeting Review Act of 2017, prepared by the Congressional Budget Office was not made available to the Committee at the time of filing of the legislative report by the Committee Homeland Security.

CONGRESSIONAL BUDGET OFFICE,

U.S. CONGRESS,

Washington, DC, January 18, 2018.

Hon. MICHAEL MCCAUL,  
Chairman, Committee on Homeland Security,  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4553, the Terrorist Screening and Targeting Review Act of 2017.

If you wish further details on this estimates, we will be pleased to provide them. The CBO staff contact is Matthew Pickford.

Sincerely,

KEITH HALL, Director.